IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6253 OF 2005

The State of Maharashtra ...Applicant
vs.
Manohar Mahadeo Rokade & Anr. ...Respondents

Mr.S.R.Shinde,A.P.P. for State
Mr.S.S.Patwardhan for Respondent No.1

CORAM: A.S.OKA,J.
DATE : NOVEMBER 17,2006.

P.C.:

1. Heard learned A.P.P. for State and Shri Patwardhan for Respondent No.1. The application is strongly opposed by Shri Patwardhan appearing for Respondent No.1 by submitting that there is a gross and unexplained delay of 282 days.

2. The order of acquittal was passed on 23rd August 2004. Certified copy was applied on 4th October 2004 and was delivered on 3rd November 2004. The Government Resolution for preferring the Appeal was received by the office of Public Prosecutor on 14th December 2004. Application has been filed on 20th September 2005. There is an additional Affidavit of learned Additional Public Prosecutor, High Court, Mumbai in which he has explained the delay caused in the office of Public Prosecutor from 14th December 2004 till September 2005. In view of the Affidavit of the learned A.P.P., in my view, there is sufficient explanation for the delay. Rule is made absolute in terms of prayer clause (a).

3. Place the Application for leave on board on 1st December 2006. Parties are free to file additional compilation.

JUDGE